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March 1, 2023

VIA ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 6B
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: Hernandez v. 1268 2nd Ave LLC, et al.
Case No. 22-CV-7037 (GWG)

Dear Judge Gorenstein:

This firm represents the defendants in the above-referenced action. I write jointly with the consent of counsel for the plaintiff to respectfully request a further extension of time until March 10, 2023 for the parties to submit their settlement agreement covering plaintiff's wage and hour claims asserted in this action pursuant to the Fair Labor Standards Act and New York Labor Law to the Court for approval pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

The parties reached a settlement in principle of the plaintiff's claims at the mediation session held on January 24, 2023. Subsequently, Your Honor set a deadline of February 16, 2023 for the parties to submit their settlement agreement and Cheeks approval motion. This deadline was then extended to today, March 1, 2023, based upon the parties' previous joint request. The parties report that they are still finalizing the written terms of their settlement agreement and require this further extension of time in order to properly do so and to obtain all necessary signatures thereon before submitting the agreement to the Court for approval. This is the parties' second request for such an extension of time. All parties consent to this request. No other deadlines would be affected by granting this request.

Extension to April 28, 2023, granted.

Respectfully Submitted,

So Ordered.

/s/Nils C. Shillito



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Nils C. Shillito (NS-6755)

March 2, 2023